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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/736,232

12/14/2000

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65856-0025

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11/02/2005

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EXAMINER

DAY, HERNG DER

ART UNIT

PAPER NUMBER

2128

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/736,232	<b>Applicant(s)</b> SIRRINE, SCOTT A.	
	<b>Examiner</b> Herng-der Day	<b>Art Unit</b> 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005 and 14 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to Applicant's Amendment ("Amendment") to Office Action dated October 1, 2004, faxed January 3, 2005, and Applicant's Response mailed July 14, 2005.

1-1. Claim 1 has been amended. Claims 1-16 are pending.

1-2. Claims 1-16 have been examined and rejected.

#### ***Drawings***

2. The replacement sheet of FIG. 9A - FIG. 10 received January 3, 2005, is acceptable. The objection to the drawings has been withdrawn.

#### ***Specification***

3. The objections to the specification have been withdrawn.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

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**5-1.** Claim 1 sets forth a method of “determining one of a torsional acceleration and an inertia of a vehicle driveline configuration”. However, the body of the claim merely recites the step of “entering measurements for the vehicle driveline configuration into a graphical user interface program” without actually providing one or more steps that logically amount to the method of “determining one of a torsional acceleration and an inertia of a vehicle driveline configuration”. In other words, without at least a determining step or its equivalent step one of a torsional acceleration and an inertia of a vehicle driveline configuration can not be determined.

**5-2.** Claims not specifically rejected above are rejected as being dependent on a rejected claim and provide no determining step or its equivalent step.

***Claim Rejections - 35 USC § 102***

**6.** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**7.** Claims 1-5, 7-10, and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Eaton Corporation (Eaton), “DOS-Based Driveline Angle Analyzer (DAA) Screen Captures”, 1995 (Applicant mailed July 14, 2005, in response to Requirement for Information - 37 C.F.R. §1.105, dated May 16, 2005).

**7-1.** Regarding claim 1, Eaton discloses a method of determining one of a torsional acceleration and an inertia of a vehicle driveline configuration comprising the step of entering measurements for the vehicle driveline configuration into a graphical user interface program (on

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Driveline Dimension Entry Screen, page 4, user may enter the measurements, e.g., ANGLE, PHASE, LENGTH, or AIR BAG HEIGHT, of the vehicle driveline configuration).

7-2. Regarding claim 2, Eaton further discloses the step of selecting the vehicle driveline configuration from a plurality of driveline configurations prior to entering measurements of the vehicle driveline configuration into the graphical user interface program (on Driveline Dimension Entry Screen, page 4, user may find and select different vehicle driveline configurations, e.g., number of shafts).

7-3. Regarding claim 3, Eaton further discloses the graphical user interface program includes a corrective mode for enabling a user to interactively change the entered measurements of the vehicle driveline configuration to determine one of the torsional acceleration and the inertia of the vehicle driveline configuration (on Driveline Dimension Entry Screen, page 4, user may change the entered measurements, e.g., ANGLE, PHASE, LENGTH, or AIR BAG HEIGHT, of the vehicle driveline configuration and receive the RESULTS of the changed accelerations).

7-4. Regarding claim 4, Eaton further discloses the step of printing a worksheet to aide a user in entering of the measurements for the vehicle driveline configuration (on Driveline Dimension Entry Screen, page 4, user may print a blank entry screen as a worksheet by clicking PRINT (F7) icon).

7-5. Regarding claim 5, Eaton further discloses the step of printing results from the determination of one of the torsional acceleration and the inertia for the vehicle driveline configuration (Report Printout Screen, page 5).

7-6. Regarding claim 7, Eaton discloses a method of diagnosing and correcting driveline angles and lengths of components of a vehicle driveline, comprising the steps of:

entering measurements of the vehicle driveline into a graphical user interface program (on Driveline Dimension Entry Screen, page 4, user may enter the measurements, e.g., ANGLE, PHASE, LENGTH, or AIR BAG HEIGHT, of the vehicle driveline configuration);

determining one of a torsional acceleration and an inertia of the vehicle driveline based on the entered measurements of the driveline angles and lengths of the components (RESULTS on Driveline Dimension Entry Screen, page 4); and

enabling a user to interactively change the entered measurements of the vehicle driveline to determine one of the torsional acceleration and the inertia of the vehicle driveline (on Driveline Dimension Entry Screen, page 4, user may change the entered measurements, e.g., ANGLE, PHASE, LENGTH, or AIR BAG HEIGHT, of the vehicle driveline configuration and receive the RESULTS of the changed accelerations).

**7-7.** Regarding claim 8, Eaton further discloses the step of selecting the vehicle driveline from a plurality of drivelines (on Driveline Dimension Entry Screen, page 4, user may find and select different vehicle driveline configurations, e.g., number of shafts).

**7-8.** Regarding claim 9, Eaton further discloses the step of printing a worksheet to aide a user in entering of the measurements for the vehicle driveline (on Driveline Dimension Entry Screen, page 4, user may print a blank entry screen as a worksheet by clicking PRINT (F7) icon).

**7-9.** Regarding claim 10, Eaton further discloses the step of printing results from the determination of one of the torsional acceleration and the inertia for the vehicle driveline configuration (Report Printout Screen, page 5).

**7-10.** Regarding claim 12, Eaton discloses a method of determining one of a torsional acceleration and a driveline inertia of a vehicle driveline configuration, comprising the steps of:

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selecting a vehicle driveline configuration from a plurality of driveline configurations (on Driveline Dimension Entry Screen, page 4, user may find and select different vehicle driveline configurations, e.g., number of shafts);

entering measurement data for the selected vehicle driveline configuration (on Driveline Dimension Entry Screen, page 4, user may enter the measurements, e.g., ANGLE, PHASE, LENGTH, or AIR BAG HEIGHT, of the vehicle driveline configuration);

determining one of the torsional acceleration and the driveline inertia of the selected vehicle driveline configuration (RESULTS on Driveline Dimension Entry Screen, page 4); and

displaying one of the torsional acceleration and the driveline inertia of the selected vehicle driveline configuration (RESULTS have been displayed on Driveline Dimension Entry Screen, page 4).

**7-11.** Regarding claim 13, Eaton further discloses the step of enabling a user to interactively change the entered measurements of the vehicle driveline configuration to determine a different one of the torsional acceleration and the inertia of the vehicle driveline configuration (on Driveline Dimension Entry Screen, page 4, user may change the entered measurements, e.g., ANGLE, PHASE, LENGTH, or AIR BAG HEIGHT, of the vehicle driveline configuration and receive the RESULTS of the changed accelerations).

**7-12.** Regarding claim 14, Eaton further discloses the step of printing a worksheet to aide a user in entering of the measurements for the selected vehicle driveline configuration (on Driveline Dimension Entry Screen, page 4, user may print a blank entry screen as a worksheet by clicking PRINT (F7) icon).

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7-13. Regarding claim 15, Eaton further discloses the step of printing results from the determination of one of the torsional acceleration and the inertia for the vehicle driveline configuration (Report Printout Screen, page 5).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eaton Corporation (Eaton), "DOS-Based Driveline Angle Analyzer (DAA) Screen Captures", 1995 (Applicant mailed July 14, 2005, in response to Requirement for Information - 37 C.F.R. §1.105, dated May 16, 2005).

9-1. Regarding claim 6, Eaton discloses a method of determining one of a torsional acceleration and an inertia of a vehicle driveline configuration in claim 1. Eaton also discloses a Driveline Dimension Entry Screen at page 4 including RESULTS of acceleration values and a SAVE (F1) icon.

Eaton fails to disclose expressly the step of saving results from the determination of one of the torsional acceleration and the inertia for the vehicle driveline configuration as an image file. However, saving a screen as an image file is well known to one of ordinary skill in the relevant art.



It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Eaton to incorporate the well known method of saving as an image file to obtain the invention as specified in claim 6 because saving a screen as an image file is only one of many saving file options.

**9-2.** Regarding claim 11, Eaton discloses a method of diagnosing and correcting driveline angles and lengths of components of a vehicle driveline in claim 7. Eaton also discloses a Driveline Dimension Entry Screen at page 4 including RESULTS of acceleration values and a SAVE (F1) icon.

Eaton fails to disclose expressly the step of saving results from the determination of one of the torsional acceleration and the inertia for the vehicle driveline configuration as an image file. However, saving a screen as an image file is well known to one of ordinary skill in the relevant art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Eaton to incorporate the well known method of saving as an image file to obtain the invention as specified in claim 11 because saving a screen as an image file is only one of many saving file options.

**9-3.** Regarding claim 16, Eaton discloses a method of determining one of a torsional acceleration and a driveline inertia of a vehicle driveline configuration in claim 12. Eaton also discloses a Driveline Dimension Entry Screen at page 4 including RESULTS of acceleration values and a SAVE (F1) icon.

Eaton fails to disclose expressly the step of saving results from the determination of one of the torsional acceleration and the inertia for the vehicle driveline configuration as an image

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file. However, saving a screen as an image file is well known to one of ordinary skill in the relevant art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Eaton to incorporate the well known method of saving as an image file to obtain the invention as specified in claim 16 because saving a screen as an image file is only one of many saving file options.

### ***Applicant's Arguments***

**10.** Applicant argues the following:

**10-1.** Claim Rejections - 35 U.S.C. § 112

(1) "Applicant notes that independent method claim 1 has been amended to clarify to the Examiner that claim 1 was never a means plus function claim" (page 9, paragraphs 4, Amendment).

(2) "Applicant submits that the claims meet the quoted requirement, and is unaware of any requirement that each claim particularly point out the invention" (page 10, paragraphs 1, Amendment).

**10-2.** Claim Rejections - 35 U.S.C. § 103

(3) "No Motivation for Claims 1-11" (pages 10-12, Amendment).

(4) "References do not Teach all Elements of Claims 12-16" (pages 12-13, Amendment).

(5) "Eaton does not provide any motivation for using a GUI" (page 11, paragraphs 3, Amendment).

(6) “Eaton does not teach displaying the torsional acceleration or the driveline inertia”  
(page 12, paragraphs 4, Amendment).

***Response to Arguments***

**11.** Applicant’s arguments have been fully considered.

**11-1.** Applicant’s argument (1) is persuasive. The rejections of claim 1 under 35 U.S.C. 112, first paragraph, in Office Action dated October 1, 2004, have been withdrawn.

**11-2.** Applicant’s argument (2) is not persuasive. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. Specifically, claims 1-6 set forth a method of “determining one of a torsional acceleration and an inertia of a vehicle driveline configuration”. However, each body of claims 1-6 merely recites different steps without actually providing one or more steps that logically amount to the method of “determining one of a torsional acceleration and an inertia of a vehicle driveline configuration”. In other words, without at least a determining step or its equivalent step one of a torsional acceleration and an inertia of a vehicle driveline configuration can not be determined by only entering measurements, selecting configurations, changing measurements, printing worksheet or results, or saving results.

**11-3.** Applicant’s arguments (3) and (4) are moot in view of the new ground(s) of rejection. The rejections of claims 1-16 under 35 U.S.C. 103(a) in Office Action dated October 1, 2004, have been withdrawn.

**11-4.** Applicant’s argument (5) is not persuasive. Based on the Eaton program Applicant mailed July 14, 2005, in response to Requirement for Information - 37 C.F.R. §1.105, dated May

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16, 2005, each screen provides at least one icon representing programs or options for user to select and activate these options by pointing and clicking with a mouse which is a graphical user interface.

**11-5.** Applicant's argument (6) is not persuasive. For example, based on the Eaton program Applicant mailed July 14, 2005, in response to Requirement for Information - 37 C.F.R. §1.105, dated May 16, 2005, the RESULTS of acceleration values have been displayed on Driveline Dimension Entry Screen.

### ***Conclusion***

**12.** Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (571) 272-3777. The Examiner can normally be reached on 9:00 - 17:30.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kamini S. Shah can be reached on (571) 272-2279. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Herng-der Day  
October 28, 2005

*H.D.*

*Thai Phan*  
Thai Phan  
Patent Examiner  
Au: 2128